

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

In Re:)	Case No. 15-41302
)	Chapter 7
Michael J. and Kelly J. Ensell)	
)	Judge Kay Woods
Debtors)	
)	Response in Opposition to
)	Motion for Relief from Stay

Now comes the Debtors, Michael and Kelly Ensell, who hereby submit their Opposition to the Motion for Relief filed by Terry Newhart Sr., Terry Newhart Jr., Todd Newhart, North East Fire Protection LLC, and 1286 Beech Street LLC (collectively "Movants").

The Motion for Relief from the Automatic Stay should be denied for several reasons.

First, ownership of the assets of the Movants, the company owned by the Movants and the Debtor, Michael Ensell, and assets of Michael Ensell are all intermingled and have not been evaluated, all of which affect the extent and nature of the bankruptcy estate. It is submitted that this court, acting through the Trustee, is the appropriate forum to determine the respective ownership rights and valuation of the bankruptcy estate, especially in view of the fact that the Debtor, Kelly Ensell's, rights in this case may be affected by such determinations.


Second, it is, in part, Movants' basis for their motion that they will only proceed through trial, without making any attempt to collect on a judgment. This action usurps this Honorable Court's authority to make a determination of the propriety of the Movants' claim and the dischargeability of the debt. Furthermore, since the Movants would not attempt to collect any judgment, assuming for the sake of argument that they are successful, which Debtor disputes, it serves no purpose to return to the trial court other than to undermine this Court's authority.

Finally, Debtors fail to see any harm to Movants if the Ashtabula County matter is

delayed. The Injunction put in place by the trial court has not been disturbed with the commencement of Debtor's bankruptcy. The filing of this bankruptcy was not used to circumvent any court order. Certainly the discovery cut off dates and trial dates originally scheduled by the trial court will be continued with adequate opportunity for Movants to pursue their claims.

WHEREFORE, Debtors pray for an order from the Court denying Movants Motion for Relief from the Automatic Stay.

Respectfully submitted,

/s/ Jane Timonere 
Jane Timonere (0073241)
TIMONERE LAW OFFICES, LLC
4 Lawyers Row
Jefferson, Ohio 44047
Phone: (440) 576-8406
Fax: (440) 576-2072
jane@timonere.com
Attorney for Debtors

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2015, I sent a copy of the foregoing **RESPONSE IN OPPOSITION TO MOTION FOR RELIEF FROM STAY** to the following by electronic means:

Trustee Michael D. Buzulencia
150 East Market Street
Suite 300
Warren, OH 44481

Thomas J. Connick, Esq.
25201 Chagrin Blvd.
Suite 375
Beachwood, OH 44122

/s/ Jane Timonere
Jane Timonere

